UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,057	09/26/2001	Brian Marquette	44846.830002.000	2669

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EXAMINER
VU, VIET DUY

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 October 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Art Rejections:

1.   The text of 35 U.S.C. § 103(a) cited in the previous office action is hereby incorporated by reference.

2.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robsman, U.S. Pat. No. 6,477,561 and further in view of Wiryaman, U.S. pat. Appl. Pub. No. 2001/0030970.

Per claim 1, Robsman discloses a system and method for serving client requests comprising:

a) providing at least one dispatch/pool manager (60, fig. 1) that has access to at least one application that is capable of running a plurality of threads or instances, each of the threads/instances capable of receiving and processing client requests for a first service provided by the application during a session with a client, e.g., computing task, memory storage, etc., (see Robsman in col 4, lines 41-54);

b) receiving and storing client request in an input request queue (see Robsman in col 1, lines 12-14);

c) checking for an available thread, removing a stored request, and sending the stored request to the available thread, (see Robsman in col 1, lines 14-15).

.   Robsman does not teach establishing a communication link between client and server and a communication path between the

request and the application server for enabling a session between client and server application. The use of a communication access device to establish the underlining communication link between a server and client is well known in the art as disclosed by Wiryaman. Particularly, Wiryaman discloses an access device (e.g., bridge/router) for use with a network server (see Wiryaman in page 3, par. 53-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Wiryaman's server access device in Robsman because it would have enabled establishing a (lower-level) communication link between the remote client and the server.

Wiryaman also teaches using a proxy service to multiplex user requests and to establish a (higher level) communication path/flow between client application and server application to enable the remote client applicant accessing the server resource during the session (see Wiryaman in page 6, par 72-73).

It would have been further obvious to one of ordinary skill in the art at the time the invention was made to utilize Wiryaman's proxy service in Robsman because it would have enabled the remote client applicant accessing specific server resource during the session.

Per claim 2, <u>Wiryaman</u> teaches identifying media transmission protocol from the request (<u>see page 4, par 64</u>).

Per claim 3, <u>Wiryaman</u> also teaches detecting transmission error and retransmitting the request in response to the detected transmission error (<u>see page 7, par 78</u>). <u>Wiryaman</u> does not teach verifying transmitted packets. An official notice is taken that checking/verifying transmitted packets is a well-known method for detecting a transmission error.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a conventional packet verification method in <u>Wiryaman</u> because it would have enabled detecting packet transmission errors.

Per claims 4-6, it is also noted that <u>Wiryaman</u>'s teachings are applicable to any conventional communication protocols.

Per claim 7, <u>Wiryaman</u> further teaches using a request (packet) handler for generating a new service request (new session/flow) (<u>see Wiryaman in page 5, par 66</u>).

Per claim 8, <u>Wiryaman</u> teaching initializing and processing the initial request (<u>see Wiryaman in pages 6-7</u>). <u>Wiryaman</u> does not explicitly teach using a specific programming protocol to invoke or initialize the request handler and application handler.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any conventional programming protocols in <u>Wiryaman</u> to implement the request handler and the application handler because it would have enabled the access server to invoke the desired functions for processing packets and/or client requests.

Claims 9-23 are similar in scope as that of claims 1-8.

Response to Amendment:

3. Applicant's arguments filed on 9/14/05 with respect to claims 1-24 have been fully considered but they are moot in view of new ground of rejection set forth above.

Conclusion:

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

VIET D. VU
PRIMARY EXAMINER

Art Unit 2154
11/8/05